

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: WORLD TRADE CENTER LOWER  
MANHATTAN DISASTER SITE LITIGATION

21 MC 102 (AKH)  
(all actions as identified in the Table attached  
hereto)

**NOTICE OF DEFENDANTS TULLY  
CONSTRUCTION CO. INC AND  
TULLY INDUSTRIES, INC'S MOTION  
TO TRANSFER AND/OR STAY**

THIS DOCUMENT APPLIES TO ALL WORLD  
TRADE CENTER DISASTER SITE LITIGATION

**NOTICE OF DEFENDANTS TULLY CONSTRUCTION CO. INC. AND  
TULLY INDUSTRIES, INC'S MOTION TO TRANSFER AND/OR STAY**

**PLEASE TAKE NOTICE** that on a day to be determined by this Court, Defendants Tully Construction Co. Inc. and Tully Industries, Inc. (collectively "Tully") will, and hereby does, move this Court to transfer all claims against Tully in Consolidated Master Docket Number 21 MC 102 to Consolidated Master Docket Number 21 MC 100 or, in the alternative, to stay further proceedings in such actions in 21 MC 102 as to Tully pending resolution of the appeal currently before the United States Court of Appeals for the Second Circuit, entitled *In re World Trade Center Disaster Site Litigation*, No. 06-5324-cv. A table of the individual case names and index numbers currently pending in 21 MC 102 that are the subject of this motion is attached hereto as Exhibit A.

**PLEASE FURTHER TAKE NOTICE** that in support of this Motion Tully relies upon the attached *Memorandum of Law in Support of Defendants Tully Construction Co. Inc. and Tully Industries, Inc.'s Motion to Transfer and/or Stay*, the Certification of Joseph E. Hopkins,

Esq. dated August 1, 2007 and all exhibits thereto submitted herewith, all pleadings and documents on file, and upon other such matters that may be properly presented to this Court.

**WHEREFORE**, Tully respectfully requests that this Court issue an Order transferring all actions against Tully currently pending in 21 MC 102 to the 21 MC 100 docket or, in the alternative, stay all actions in the 21 MC 102 docket as to Tully pending resolution of the appeal before the United States Court of Appeals for the Second Circuit, entitled *In re World Trade Center Disaster Site Litigation*, No. 06-5324-cv.

s/  
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James E. Tyrrell, Jr., Esq.  
PATTON BOGGS LLP  
Counsel for Tully Construction Co. Inc. and  
Tully Industries, Inc.

Dated: August 2, 2007